

TOWN OF RICHMOND
NEW HAMPSHIRE
Office of Selectmen



TOWN RICHMOND, NEW HAMPSHIRE

WINTER AND INCLEMENT WEATHER POLICY AND PRIORITIES

Adopted 10/18/2010, Revised 11/18/13

Pursuant to RSA 231-92-a, the Richmond Board of Selectmen hereby establishes the following policy and procedure for winter and inclement weather road maintenance.

PART A: POLICY OBJECTIVES

- 1. Objective.** The Town of Richmond seeks to provide timely, efficient and cost-effective winter maintenance, snow removal, and ice control on the Town's public highways, bridges and sidewalks, for the safety and benefit of the Town's residents and the general motoring and pedestrian public.
- 2. Procedure.** The objective stated in Section 1 may best be achieved by implementation and execution of the procedures and tasks outlined in Part B of this policy, The Town's Winter Operations Snow Removal and Ice Control Procedures. Due to the many variables that are inherent in New England weather, each storm or weather event may require slightly different effort or emphasis on any number of maintenance tasks which, together, determine the overall winter maintenance, snow removal or ice control strategy.
- 3. Level of Service.** It is not reasonably possible to maintain a snow and ice-free road or sidewalk during a storm. The Town intends to utilize its best efforts, within the means available, to provide practical, safe access to homes, businesses, and municipal and other public facilities during and after winter storms.
 - As a general policy, the Town will start to conduct snow removal operations upon accumulations of 2 inches of snowfall. The Road Agent may, at his or her discretion, based upon weather information reports or prevailing conditions, elect to not move snow until greater or lesser amounts have accumulated.
 - Notwithstanding any other provision of this policy, snow removal or road or sidewalk treatment operations may be suspended at any time when continuing operations would pose a hazard to persons or property.
 - Pre-treatment and ice control may be implemented prior to, during, or after a storm, as determined to be most effective, noting that salt has a much slower effect on melting snow and ice at temperatures below 25 degrees Fahrenheit, and thus may not be applied until it is warmer.
- 4. Direction.** The Richmond Road Agent, or the Road Agent's designee, shall direct all winter maintenance activities for the Town.

TOWN OF RICHMOND

NEW HAMPSHIRE

Office of Selectmen

5. Implementation. This policy, including the standard operating procedures set forth in Part B, is intended to serve as the normal procedure for winter maintenance, snow removal and ice control for the Town of Richmond. One or more of the following events or circumstances, which may delay or prevent the implementation of this policy, may affect all or any part of normal operating procedures:

- Equipment Breakdown
- Snow Accumulation in Excess of One Inch per Hour
- Freezing Rain or Other Icing Conditions
- Traffic Congestion
- Emergencies
- Personnel Illness
- Other Events Beyond the Reasonable Control of the Town

6. Notice. This policy may be posted in appropriate public places in the Town as determined by the Selectmen. All residents are encouraged to familiarize themselves with the contents hereof as it describes conditions that one might expect to encounter before, during and after a storm.

7. Adoption. This policy and the accompanying Part B, encompassing standard operating procedures, have been adopted by the Richmond Board of Selectmen on January 1, 2007.

PART B: STANDARD SNOW REMOVAL AND ICE CONTROL PROCEDURES

(Includes Public Highways, Bridges, and Parking Areas)

1. Equipment and Personnel: The assets available for winter snow removal and ice control are established within the parameters of the annual budget approved by the Town. In formulating the budget, the Town seeks to allocate sufficient funds for this purpose, but variable weather conditions may make budget projections inaccurate. When weather conditions require additional funds beyond those available in the budget, the Town will undertake such actions such as are reasonable necessary to address such conditions, but the Town is bound by law to follow certain legal requirements and procedures that may delay the immediate availability of funds for responses. The Highway Department utilizes available assets of the Department as needed to address snow emergencies. The Town of Richmond utilizes private contractors to provide all winter maintenance related to snow and ice removal.

2. Routes. Currently, the Town is divided into 2 major plow and/or treatment routes. The Contractor's available equipment is assigned to a plow route. Plow routes may be altered from time to time for more efficient snow removal or cost efficiencies. The Road Agent shall notify the Selectmen and relevant personnel of such changes. Limited, temporary changes made in accordance with this section do not require approval of the Board of Selectmen, unless specifically advised to the contrary.

TOWN OF RICHMOND

NEW HAMPSHIRE

Office of Selectmen

3. Materials. The Town bases its annual budget for snow removal materials in part on past usage and estimated weather forecasts. Winter maintenance routes are treated with a sand, to prevent freezing of mixture. The mixture may be adjusted according to the nature of the storm. The mixture is applied to the traveled way. The sand is effective only to approximately 25 degrees Fahrenheit. Other de-icing agents may be effective to lower temperatures, but cost and need for specialized equipment have forestalled their use at this time.

4. Schools.

- **Maintenance.** The Richmond Highway Dept. is not responsible for clearing of snow and winter treatment of the access roads to the schools of the Monadnock School District. The Town is not responsible for clearing of snow and winter treatment of any School parking lot(s). On days when school is in session, winter road maintenance efforts are timed to coincide with bus routing and delivery of students to the extent reasonably practicable.
- **School Cancellation.** The School Superintendent, or designated official representative, may contact the Road Agent or Highway Department's designee to determine the condition of the municipality's roads in order to determine the advisability of students using school buses. The school representative makes the decision to cancel or postpone school for that day.

5. Plow Route Priorities. With a total of approximately 30 miles of roads from which to remove snow and control ice, and having available only the equipment specified to handle this activity, the Highway Department has to assign priorities for winter maintenance route activity in order to maximize the effectiveness of its efforts in accordance with the following:

- **School Bus Routes.** School bus routes are given first priority on school days. Plow routes are designed with the intent to provide snow clearing within one hour of the regular school bus schedule for that route.
- **Public Parking Areas.** The public parking areas at all Municipal buildings will be plowed and skid resistant material will be applied by the Highway Department.
- **Transfer Station/Recycling Center.** Transfer station general winter maintenance is provided by the Town of Winchester Highway Department.
- **Specific Plow Routes.** Specific plow routes are Route #1 - East of Rt. 32; Route #2 - West of Rt. 32. However, within the routes, road priority and the timing of activities are all subject to variation as conditions warrant.

6. Roads not receiving Winter Maintenance. The Town of Richmond does not maintain a number of roadways, sidewalks and other areas as part of its winter maintenance activities. **The areas not maintained by the Town include:**

- Class VI roads
- Private roads, driveways, and private sidewalks.
- Roads within the jurisdiction of State, Federal or other units of government.
- Roads to summer camps and cottages. (Pond Woods Rd. beyond 40 Pond Woods Rd.)

TOWN OF RICHMOND

NEW HAMPSHIRE

Office of Selectmen

7. Damage to Private Property. The descriptions of immunity and potential liability in this section are not intended to waive any immunity or to extend any liability that may exist under law: but are intended solely for convenience.

A. The Town of Richmond assumes no responsibility for damage to private property that is located within the public right-of-way as such property is deemed an encumbrance that is not permitted to be located in the right-of-way. The right-of-way is often between 33'-66' wide and land within the right-of-way may be mistaken by property owners as their own property. In many cases, the right-of-way may extend 10'-20' either side of the paved or graveled surface of a road. Homeowners sometimes may extend lawns, plant trees or shrubbery, place mailboxes, driveway posts, erect fences or stone walls in these areas, which might be intended to improve appearance, but which may obstruct or interfere with maintenance being conducted on the roadway, including winter maintenance.

B. In the event of property damage occurring as a result of winter maintenance activities conducted by the Town of Richmond, the Town may be held responsible only for damages as allowed by law arising from negligence or other fault properly attributable to the Town. In any event, the Town will not be responsible for the repair or replacement of damaged property that is within the public right-of-way, whether located on private or public property, or which is the result of negligence or fault attributable to others.

C. The Town will also not be responsible for damage to any vehicle which may be damaged during winter maintenance if the vehicle is parked in violation of any State Law or local regulation, including any winter or snow removal parking limitation periods, or is otherwise improperly or imprudently located or operated.

8. Placement of Snow in Right-of-Way. 236:20 Snow Obstruction. – Any person who shall put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of any class I, class III, or class III-a highway or state maintained portion of any class II highway for any purpose, except to provide a place necessary for crossing, recrossing and traveling upon said highways by sleds, logging or farm equipment, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

9. Roadway Obstructions. If any pedestrian or vehicle or other item interferes with snow removal operations, the Town's personnel will seek the cooperation of the person or owner of such item to remove it immediately. If the owner cannot be readily located or if the owner refuses to cooperate, the Town vehicle operator shall contact the Town Police Department for assistance. Operators should not attempt to confront owners with regard to such matters.

10. Post Storm Operations. As determined by the Road Agent, snow banks resulting from previous accumulations may be pushed back, or shelved, using the plow and wing of suitable equipment to make space for future snow storms.

TOWN OF RICHMOND

NEW HAMPSHIRE

Office of Selectmen

11. Snow Removal from Town Roads.

A. Parking - There shall be no parking on Town Roads from November 1 - April 1. One purpose of this winter parking ban is to allow winter maintenance crews unobstructed snow removal and ice control routes, as much as possible, to maintain the maximum effectiveness of their efforts.

B. Any vehicles which violate winter parking regulations are subject to ticketing and towing. Any vehicle which otherwise interferes with the reasonable efforts of the Town's winter maintenance is subject to removal, after reasonable attempt to notify the operator, if possible.

C. The Town is not responsible for damages to such vehicles arising out of Winter Maintenance operations or a result of plowing.

12. Liability of Municipalities; Standard of Care. RSA 231:92

A. A municipality shall not be held liable for damages in an action to recover for personal injury or property damage arising out of its construction, maintenance, or repair of public highways and sidewalks constructed thereupon unless such injury or damage was caused by an insufficiency, as defined by RSA 231:90, and

- The municipality received a written notice of such insufficiency as set forth in RSA 231:91; or
- The selectmen, mayor or other chief executive official of the municipality, the town or city clerk, any on-duty police or fire personnel, or municipal officers responsible for maintenance and repair of highways, bridges or sidewalks thereon had actual notice or knowledge of such insufficiency, by means other than written notice pursuant to RSA 231:90, and were grossly negligent, exercised bad faith in responding or failing to respond to such actual knowledge; or
- The condition constituting the insufficiency was created by an intentional act of a municipal officer or employee acting in the scope of his official duty while in the course of his employment, acting with gross negligence, or with reckless disregard of the hazard.

B. Any action to recover damages for bodily injury personal injury or property damage arising out of municipal construction, repair or maintenance of its public highways or sidewalks constructed on such highways shall be dismissed unless the complaint describes with particularity the means by which the municipality received actual notice of the alleged insufficiency, or the intentional act which created the alleged insufficiency.

C. The acceptance or layout of a private road as a public highway shall not be construed to confer upon the municipality any notice of, or liability for, insufficiencies or defects which arose or were created prior to such layout or acceptance.

D. The setting of construction, repair, or maintenance standards or levels of service for highways and sidewalks by municipal officials with responsibility therefore, whether accomplished formally or informally, shall be deemed a discretionary, policy function for which the municipality shall not be held liable in the absence of malice or bad faith.